	Case 5.11-cv-05240-vC Document	37 Tileu o	+/03/13 F	age 1 0i 0	
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7	UNITED STATES	DISTRICT	COLIDT		
8	NORTHERN DISTRI				
9					
10	BARRY KELLY and MOLLY KELLY,)	. 3:11-ev-03		
11	Plaintiffs,	,	SED SPEC OF PUGET	CIAL VERDICT F SOUND	ſ
12	VS.	COMM	ERCE CEI	NTER, INC.(FE DS CORPORAT	
13	CBS CORPORATION (FKA VIACOM INC.,)	71111 17114		HON
14	FKA WESTINGHOUSE ELECTRIC CORPORATION), et al.,)			
15)			
16	Defendants.)			
17		.)			
18	AXAE OFFICE REIDAY, OF 1 COLUMN COLUM	6° 1.1 6.1			
19 20	WE, THE JURY in the above-entitled actio submitted to us:	n, find the fol	llowing spe	cial verdict on the	ne questions
21		IABILITY			
22	QUESTION NO. 1: Did any of the defendants f		Plaintiff Ra	rry Kelly about	the risk of
23	asbestos-related injury from their products?	war to viden a		ary reary about	the risk of
24	ANSWER "Yes" or "No" to each defendant		YES	NO	
25	CLEAVER-BROOKS, INC.				
26	CRANE CO.		***************************************		
27					
28					
	,				

Proposed Special Verdict

	11			
1	If you answer Question No. 1 "Yes," as to one or more defendants, then answer Question No.			stion No. 2.
2	If you answer Question No. 1 "No," to each defendant, the please skip Question No. 1 and proceed to			proceed to
3				
4	QUESTION NO. 2: Did this failure to warn about the risk of asbestos-related injury cause damage			
5	the Plaintiff Barry Kelly?			
6	ANSWER "Yes" or "No" to each defendant	YES	NO	
7				
8	CLEAVER-BROOKS, INC.	***************************************		
9	CRANE CO.	**************		
10	Please proceed to the next question.			
11	<u>NEGLIGENC</u>	$\mathbf{\underline{E}}$		
12	QUESTION NO. 3: Were any of the defendants negligent	in failing to warn	Plaintiff Barry F	Celly about
13	the risk of asbestos-related injury?			
14	ANSWER "Yes" or "No" to each defendant	YES	NO	
15	CLEAVER-BROOKS, INC.	Alabada da companyo	***************************************	
16	CRANE CO.	***************************************	······	
17	PUGET SOUND COMMERCE CENTER, INC. (FKA TODD SHIPYARDS CORPORATION)			
18	(FRA TODD SHIF TARDS CORPORATION)	**************************************		
19	If you answer Question No. 3 "Yes," as to one or mo	ore defendants, the	en answer Quest	ion No. 4
20	as to those defendants.			
21	If you answer Question No. 3 "No," to each defendant, then skip Question No. 4 and please			olease
22	proceed to Question No. 5 and answer it.			
23	QUESTION NO. 4: Was this negligence a legal cause of d	amage to Plaintiff	Barry Kelly?	
24	ANSWER "Yes" or "No" as to each defendant			
25		YES	NO	
26	CLEAVER-BROOKS, INC.	Windows Control of the Control of th	GEOGRAPHIC AND	
27	CRANE CO.			
28				
- 1	l .			

1	PUGET SOUND COMMERCE CENTER, INC.		
2	(FKA TODD SHIPYARDS CORPORATION)		
3	If you answer Question No. 4 "Yes," as to one or more defendants, then answer the next		
4	question. If you answer Question No. 4 "No," then answer the next question.		
5	LOSS OF CONSORTIUM		
6	QUESTION NO. 5: Did any injury to Plaintiff Barry legally caused by any of the defendants result in		
7	injury to Plaintiff Molly Kelly?		
8	ANSWER "Yes" or "No" to each defendant YES NO		
9	CLEAVER-BROOKS, INC.		
10 11	CRANE CO.		
12	PUGET SOUND COMMERCE CENTER, INC. (FKA TODD SHIPYARDS CORPORATION)		
13 14	If you answer Question No. 5 "Yes," as to one or more defendants, then proceed to Question No.		
15	6. If you answer Question No. 5 "No," to each defendant, then proceed to Question No. 6.		
16	AFFIRMATIVE DEFENSE - GOVERNMENT CONTRACTOR		
17	QUESTION NO. 6: Did the U.S. Government issue or approve reasonably precise specifications in		
18	building the USS Downes or other products at issue?		
19	ANSWER "Yes" or "No" to each defendant YES NO		
20	CLEAVER-BROOKS, INC.		
21	CRANE CO.		
22	PUGET SOUND COMMERCE CENTER, INC. (FKA TODD SHIPYARDS CORPORATION)		
24	If you answer Question No. 6 "Yes," as to one or more defendants, then proceed to the Question		
25	No. 7. If you answer Question No. 6 "No," to each defendant, then skip Questions Nos. 7 - 11, and		
26	proceed to Question No. 12.		
27			
28			
- 1			

UESTION NO. 7: Did the Defendants comply with		ise specifi
stallation of asbestos-containing products aboard the US	SS DOWNES?	
ANSWER "Yes" or "No" to each defendant	YES	NO
CLEAVER-BROOKS, INC.		
CRANE CO.		-
PUGET SOUND COMMERCE CENTER, INC. (FKA TODD SHIPYARDS CORPORATION)		
If you answer Question No. 7 "Yes," as to one or	more defendants, th	nen procee
o. 8. If you answer Question No. 7 "No," to each de	efendant, then skip	Questions
oceed to Question No. 12.		

ANSWER "Yes" or "No" to each defendant	YES	NO
CLEAVER-BROOKS, INC.		WARRANT TO A STATE OF THE STATE
CRANE CO.	Managaman and Assay	
DUCET COUNT COMMEDCE OFFICE		
PUGET SOUND COMMERCE CENTER, INC.		
(FKA TODD SHIPYARDS CORPORATION)		
(FKA TODD SHIPYARDS CORPORATION)	more defendants th	en proceed
(FKA TODD SHIPYARDS CORPORATION) If you answer Question No. 8 "Yes," as to one or		_
(FKA TODD SHIPYARDS CORPORATION) If you answer Question No. 8 "Yes," as to one or o. 9. If you answer Question No. 8 "No," to each d		_
(FKA TODD SHIPYARDS CORPORATION) If you answer Question No. 8 "Yes," as to one or		_
(FKA TODD SHIPYARDS CORPORATION) If you answer Question No. 8 "Yes," as to one or o. 9. If you answer Question No. 8 "No," to each d		_
(FKA TODD SHIPYARDS CORPORATION) If you answer Question No. 8 "Yes," as to one or o. 9. If you answer Question No. 8 "No," to each d		_
(FKA TODD SHIPYARDS CORPORATION) If you answer Question No. 8 "Yes," as to one or 9. If you answer Question No. 8 "No," to each d		_

1				
2	QUESTION NO. 9: Did the Defendants warn the U.S. G	Fovernment about	those asbestos	dangers on
3	the USS Downes, that were known to the defendants, but no	t the U.S. Govern	ment?	
4	ANSWER "Yes" or "No" to each defendant	YES	NO	
5	CLEAVER-BROOKS, INC.			
6 7	CRANE CO.			
8	PUGET SOUND COMMERCE CENTER, INC. (FKA TODD SHIPYARDS CORPORATION)			
10	If you answer Question No. 9 "Yes," as to one or mo	ore defendants, th	en proceed to the	e Question
11	No. 10. If you answer Question No. 9 "No," then skip (Questions Nos. 10	0 and 11, and	proceed to
12	Question No. 12.			
13	AFFIRMATIVE DEFENSE - SOPE	HISTICATED U	<u>SER</u>	
14	QUESTION NO. 10: If you answered "yes" in response to	Questions Nos. 1	& 2 and/or Ques	stions Nos.
15	3 & 4, as to any defendants, as to those defendants, was Barry Kelly a sophisticated user of asbestos			
16	products when he served aboard the USS Downes, meaning	g that he knew or	should have kno	own of the
17	hazards of asbestos on the ship by virtue of his training, exp	perience, employn	nent and other in	nformation
18	that was reasonably available to Mr. Kelly?			
19				
20	ANSWER "Yes" or "No" to each defendant	YES	NO	
21	CLEAVER-BROOKS, INC.			
22	CRANE CO.	***************************************		
23	PUGET SOUND COMMERCE CENTER, INC.			
24	(FKA TODD SHIPYARDS CORPORATION)			
25	If you arrayon Operation No. 10 "Veg." ag to one on	aus defendents	41aaad 4	O
26	If you answer Question No. 10 "Yes," as to one or		_	Question
27	No. 11. If you answer Question No. 10 "No," then please pro-	oceed to Question	ı No. 11.	
28				

1					
2	AFFIRMATIVE DEFENSE - SOPHISTICATED PURCHASER				
3	QUESTION NO. 11: If you answered "yes" in response to Questions Nos. 1 & 2 and/or Questions No			os	
4	3 & 4, as to any defend	lants, as to those defendants, was	the United St	ates Navy a sophistica	.tec
5	purchaser of asbestos prod	ucts?			
6	ANSWER "Yes" of	or "No" to each defendant	YES	NO	
7	CLEAVER-BROC	KS, INC.			
8	CRANE CO.				
9 10	•	COMMERCE CENTER, INC. YARDS CORPORATION)			
11 12	If you answer Ou	estion No. 11 "Yes," as to one or m	ore defendants	then proceed to Questio	n
13		swer Question No. 11 "No," then pl		_	LI
14			1		
15		DAMAGES			
16	QUESTION NO. 12: Wi	thout taking into consideration the re	eduction of dam	nages due to the negliger	1CE
17	of Barry Kelly or anyone else, if any, what do you find to be the total amount of damages, including				
18	economic and non-econom	ic damages, if any, suffered by the I	plaintiffs caused	d by the events involved	
19	herein?				
20	As to Barr	<u>v Kelly</u>			
21	Answer:	(a) Economic Damages	\$		
22		(b) Non-Economic Damages	\$	-	
23	As to Molly	Kelly			
24	Answer:	(a) Economic Damages	\$		
25	Tinovoi.		Φ.		
26		(b) Non-Economic Damages			
27	If you answer Ques	tion No. 11 "none," sign and return	the verdict. If y	ou answer Question No.	
28	11 with an amount of mone	ey, answer Question No. 12.			

1	QUESTION NO. 13: Was Barry Kelly negligent?		
2	Answer "Yes" or "No"		
3	Answer:		
4			
5	If you answer Question No. 12 "Yes," then answer the next question. If you answer Question No. 12		
6	"No," skip Question No. 13, and proceed directly to Question No. 14.		
7	QUESTION NO. 14: Was the negligence of Barry Kelly a cause of injury to the plaintiffs?		
8	Answer "Yes" or "No"		
9	Answer:		
10			
11	If you answer Question No. 13 "Yes," then answer the next question. If you answer Question		
12	No. 13 "No," then answer the next question.		
13	FAULT ALLOCATION		
14	QUESTION NO. 14: If 100% represents the total negligence and fault that was the cause of plaintiffs'		
15	damages, what percentage of this 100%, if any, is due to the fault of the following entities listed below?		
16			
17	Answer:		
18	Barry Kelly%		
19	Cleaver-Brooks, Inc%		
20	Crane Co%		
21	Puget Sound Commerce Center, Inc%		
22	(Todd Shipyards Corp.)		
23	United States Navy%		
24	Johns-Manville%		
25	All Others%		
26			
27	Please sign, date, and return this Special Verdict Form.		
28	Dated:		
	FOREPERSON		

Proposed Special Verdict

CERTIFICATE OF SERVICE

I am over 18 years of age and not a party to the within action. I am employed in the County of Alameda; my business address is **Yaron & Associates**, 1300 Clay Street, Suite 800, Oakland, CA 94612

On April 3, 2015, I served the within:

PROPOSED SPECIAL VERDICT FORM OF PUGET SOUND COMMERCE CENTER, INCE. (FKA TODD SHIPYARDS CORPORATION)

on all parties in this action, as addressed below, by causing a true copy thereof to be distributed as follows:

TO ALL PARTIES ON THE ECF SERVICE LIST

VIA ELECTRONIC SERVICE: I served a true copy, with all exhibits, electronically on designated recipients through PACER. Upon completion of electronic transmission of said document(s), a receipt is issued to serving party acknowledging receipt by PACER's system. Once PACER has served all designated recipients, proof of electronic service is returned to the filing party which will be maintained with the original document(s) in our office. This service complies with CCP §101.6.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on **April 3, 2015**, at Oakland, California.

Edward Cortez ecortez@yaronlaw.com